

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMIE H. BASSEL DC PC d/b/a NEW YORK CITY
CHROPRACTIC,

Plaintiff,

-v-

AETNA HEALTH INSURANCE COMPANY OF NEW
YORK, et al.,

Defendants.

20-CV-9019 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:


Plaintiff filed its Complaint in this case on October 28, 2020, *see* ECF No. 1, but no proof of service has been filed. On January 15, 2021, Plaintiff filed a letter with the Court indicating that counsel had “engaged a process servicer immediately upon issuance of the summons . . . and ha[d] followed up continuously with the server, [he] ha[d] yet to receive any communication with any defendants and/or counsel, despite service,” and was “awaiting proof of service.” ECF No. 13, at 1 & n.1. Two Defendants have since appeared and been granted extensions of the deadline to answer or otherwise respond to the Complaint. *See* ECF Nos. 16, 19. The remaining Defendants have yet to appear. On February 3, 2021, the Court ordered Plaintiff to show cause by February 17, 2021 why the non-appearing defendants should not be dismissed without prejudice for failure to serve the summons and Complaint with ninety days pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. If, in view of the foregoing, Plaintiff or one of the appearing Defendants believes that an adjournment of the initial pretrial conference currently scheduled for **February 18, 2020**, at **3:00 p.m.**, is warranted, it shall promptly confer with the

other parties and file a letter motion to that effect.

Unless and until the Court orders otherwise, the initial pretrial conference will proceed as scheduled, but it will not be conducted in person in light of the COVID-19 situation. Counsel should submit their proposed case management plan and joint letter by **Thursday, February 11, 2020**, as directed in the Court's earlier Scheduling Order. In their joint letter, the parties should also indicate whether they can do without a conference altogether. If so, the Court may enter a case management plan and scheduling order and the parties need not appear. If not, the Court will hold the initial conference by telephone, albeit perhaps at a different time. To that end, counsel should indicate in their joint letter dates and times during the week of the conference that they would be available for a telephone conference. In either case, counsel should review and comply with the Court's Emergency Individual Rules and Practices in Light of COVID-19, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>.

SO ORDERED.

Dated: February 8, 2021
New York, New York



JESSE M. FURMAN
United States District Judge